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SUBJECT: ANTI-CRIME VISION FOR UNODC

REF: (A) STATE 19808; (B) 3/5/09 CLINE-TSAI EMAIL

SUMMARY

¶1. (SBU) SUMMARY: In anticipation of this week's high-level meeting in Vienna on anti-drug issues, Antonio Costa, head of the UN Office on Drugs and Crime (UNODC), issued a paper that paints a broad picture for UNODC's anti-crime work. On March 5, he provided a preview and briefing on this paper to G-8 Ambassadors. While dense with ideas and somewhat complex, his paper provides an opportunity for the U.S. to reaffirm our larger anti-crime vision, and begin to advocate for such a vision with Costa and other active Member States. END SUMMARY

COSTA'S ANTI-CRIME VISION

¶2. (U) On March 5, UNODC Executive Director Antonio Costa briefed G-8 ambassadors in Vienna on a concept paper he drafted, "Organized Crime and Its Threat to Security: Tackling a Disturbing Consequence of Drug Control" (previously emailed to Department). In the paper he described crime of "staggering proportions" as the "dramatic unintended consequence" of illicit drugs. He advocated a three-pronged approach: (i) a controlled strategy tailored to each market, (ii) community-wide resistance programs, and (iii) sharing of resistance efforts/measures among nations. He said the paper was intended to provoke thoughts to address the crime related to the drug supply chain - from cultivation to trafficking to abuse/addiction - which he estimated to be a \$300 billion market worldwide. He claimed that drug-related crime had been subject to benign neglect, and questioned the effectiveness of existing anti-crime instruments. Referring to the ongoing negotiations on the political declaration and the action plan of the 10-year review of the 1998 UNGA Special Session on drug control (UNGASS), Costa claimed that his paper would supplement those documents which, according to him, had failed to capture this element.

VIEWS OF G-8 AMBASSADORS

¶3. (U) During the briefing, UK ambassador (UK) asked Costa to clarify what message his paper was intended to convey on the (crime) Conventions. UK expressed his concern that Costa's paper might be undermining the Conventions because it criticizes them for being ineffective. French ambassador praised the UNGASS political declaration (under negotiation) for reflecting international political and security questions related to drugs. He added that the two crime conventions (UN Convention against Corruption, or UNCAC, and UN Convention against Transnational Organized Crime, or UNTOC) are hard to implement, and therefore may be perceived as being hostile to developing countries. He stated that one should not blame the Conventions for problems.

¶4. (U) Thanking Costa for his courage to be "provocative," Ambassador Schulte joined other ambassadors in warning against undermining the crime conventions and inadvertently raising questions about the drug control regime. He asked Costa to find ways to maximize the impact of UNTOC and UNCAC. He made Ref A points, stressing the value of the various crime treaties and their Conferences of the Parties in broadening our global reach. Ambassador further underlined the importance of the treaty function

of the UNODC, and urged Costa not to lose the balance between the normative and technical assistance functions of his office in any restructuring efforts that might result.

15. (U) Canadian Ambassador agreed with the comments made by the UK, France and the US. She credited the conventions for encouraging mutual legal assistance among states and deepening the dialogue on the Financial Action Task Force (FATF). German Ambassador recommended a "cross-cutting" rather than "compartmentalized" approach, and looking for ways to improve the use of UNTOC. Japan praised the straightforward approach of the paper, but urged that it should also note positives. He expressed support for the U.S. view on the importance of UNODC's normative work and urged Costa not to lose sight of it. Costa replied that he would not want to lose sight of treaty implementation.

16. (U) Russian ambassador, stressing his very preliminary reaction, asked Costa to clarify the nature of the paper. Costa responded that it is intended to "bond" UNODC's different functions. He said there is now an in-house division between drugs and crime, when the problem is drug-related crime. Italian ambassador asked how Costa plans to restructure the house, how to group meetings, and how to translate the concepts in the paper into action. Costa said he had no answer. He just wanted to share this paper with member states, get their comments, and then take action "in the house" accordingly.

COMMENTS: ADVOCATING FOR THE U.S. VISION

17. (SBU) COMMENTS: Costa's willingness to engage us in a dialogue relatively early in his thought process is a new development, and one we should seek to encourage. His paper is dense with ideas, many which we have heard before and some which the U.S. does not support. Examples of ideas which the U.S. opposes include a call for a cybercrime convention, movement towards a universal money laundering instrument and a greater focus on firearms issues. He also criticizes the work of the UNCAC and UNTOC Conferences of Parties, which we believe are critical to promoting implementation of these conventions. UNVIE, INL and other U.S. partners will continue to deal with Costa's individual ideas - as we have in the past - as each issue is raised in various UNODC or Commission contexts.

18. (SBU) However, looking beyond Costa's individual ideas and persistent personality, his paper presents a broader vision for UNODC's anti-crime work that warrants a thoughtful response. Costa's larger vision appears to be one where anti-crime work becomes more of a component to the organization's anti-drug work. He appears to support a de-emphasis on the steady and technical work of the anti-crime treaty-based bodies and a greater emphasis on actions that he perceives as more beneficial, such as technical assistance and awareness raising. He also seeks a mandate for UNODC to play a major role in anti-crime issues that have been of interest to various member states, including cybercrime and firearms trafficking.

19. (SBU) We believe the best response to Costa's paper is to present our own and better vision for approaching anti-crime work in the Vienna context. The current U.S. vision on UNODC's anti-crime work has been a successful one, but it is worth taking a look to see whether it can or needs to be updated. The U.S. has sought in the past decade to channel and focus the anti-crime work of UNODC. We have succeeded in moving UNODC beyond simply a forum for debating what action should be taken to counter priority crime threats. We have done this by crafting anti-crime conventions on key substantive areas (organized crime, trafficking in persons, corruption, etc.), thus establishing legally-binding guidelines for action in these areas. We have further successfully created active UNODC-supported treaty bodies to help promote implementation of these guidelines. We have called for technical assistance to help countries implement their commitments, although limited U.S. funding has made our call largely just that. We have also played a major role in developing a medium term strategy to help focus the relevant Commissions and UNODC, and have for the most part kept the Crime Commissions and Congresses from interfering with these conventions and work of the treaty-related bodies.

¶10. (SBU) Costa intends to repeat his message during the upcoming Commission on Crime Prevention and Criminal Justice (CCPCJ), scheduled for April 16-24, and posted his paper on the UNODC website on March 6. We should use Costa's somewhat complex paper and call for action as an opportunity to reaffirm or reshape our larger U.S. vision for anti-crime work at UNODC. As we go about this analysis, we should try to look beyond Costa, whom we obviously support for various reasons, and his persistence on promoting individual ideas with which we disagree. We should consider that the medium term strategy has failed to keep Costa and various member states from advocating for action on substantive areas that they think are priorities, particularly in the context of the CCPCJ. We should also consider whether there are ways to reinvigorate implementation of the anti-crime conventions beyond the context of the Conferences of Parties, and whether we agree with Costa's goal of making UNODC's anti-crime work more of a component of its anti-drug work. We should also take into account a recent and relatively new dynamic in Vienna, which includes an active G-77 and movement by non-donors to make UNODC a more fiscally stable and less donor-driven organization. The upcoming CCPCJ will provide an initial venue to try out some of the U.S. ideas, and put the ball back in Costa's court as we work to shape a shared agenda for UNODC. END COMMENTS

SCHULTE